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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,166	06/27/2001	Raphael Schlanger	01-396	4513

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Mr Raphael Schlanger  
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EXAMINER

BELLINGER, JASON R

ART UNIT PAPER NUMBER

3617

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/893,166

**Applicant(s)**

SCHLANGER, RAPHAEL

**Examiner**

Jason R Bellinger

**Art Unit**

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 124-126, 128-130 and 193 is/are pending in the application.
- 4a) Of the above claim(s) 125 and 126 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 124 and 128-130 is/are rejected.
- 7) ☒ Claim(s) 193 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>04292004</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

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***R s p o n s   t o   A m e n d m e n t***

1.      Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

2.      The indicated allowability of claim 127, the subject matter of which has been incorporated into independent claim 124, is withdrawn in view of further consideration of the prior art. Rejections based on the cited reference(s) follow.

***E l e c t i o n / R e s t r i c t i o n s***

3.      Newly submitted amended claims 125-126 are directed to a nonelected embodiment of the invention. Therefore, claims 125-126 continue to remain withdrawn from consideration.

***C l a i m   O b j e c t i o n s***

4.      Claim 193 is objected to because of the following informalities: It is suggested that the period (.) at the end of line 9 of the claim be replaced with a coma (,) to correct what appears to be a typographical error.

Appropriate correction is required.

***C l a i m   R e j e c t i o n s   -   35   U S C   §   112***

5.      The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

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6. Claims 124 and 128-130 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 124 is indefinite due to the fact that the phrase "at least one of" in line 15 of the claim infers that a minimum of two elements are being described, however only "said first portion" of the spoke is referred to. Therefore it is unclear what is actually being claimed by the aforementioned phrase. It is suggested that the phrase --and said second portion-- be inserted after the phrase "said first portion" to more clearly define the invention.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 124, and 128-130 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson. Wilson shows a wheel having a peripheral wheel rim **B**, and a central hub **A** having a central axle and outer flange **F**. A plurality of pretensioned spokes **D** extends between the rim **B** and hub **A**. The spokes **D** have a first portion connected to the rim and a second portion opposed to the first portion and connected to the hub **A**. The spokes **D** further include means, namely the unlabelled lock nuts, for adjusting the tension in the spokes **D**.

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A cavity is formed within the flange **F** for connection with at least one of the spokes **D**, the cavity being a blind cavity having at least one open end, closed longitudinal sides, and a closed bottom (that provides a longitudinal depth stop for the spoke).

A second portion of the spoke **D** is joined to the outer flange **F** by means of a deformed engagement, wherein the cavity surrounds and encloses the full cross-sectional perimeter of the spoke **D** in a deformed engagement region. This results in a connection that resists relative movement between the cavity and the second portion of the spoke **D**. The cavity is formed in a polymeric element (see column 3, lines 31-34).

The spoke **D** is helically threaded in the deformed engagement region, and thus resists being pulled out of the cavity from plastic and elastic deformation.

### ***Allowable Subject Matter***

9. Claim 193 would be allowable if rewritten or amended to overcome the objection, set forth in paragraph 3 of this Office action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R Bellinger whose telephone number is 703-308-6298. The examiner can normally be reached on Mon - Thurs (9:00-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason R Bellinger  
Examiner  
Art Unit 3617



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